

ARTICLE 2

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this Ordinance, certain specific words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition, excepting; should any word or term be further or differently defined in any article of this Ordinance, that definition shall be considered superior to the definition found in this Article 2.

Section 2.1 Interpretation of Terms and Words.

All words not specifically defined herein under shall be assigned their customary definitions.

- 1) Words used in the present tense include the future tense.
- 2) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise.
- 3) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as individual.
- 4) The word "lot" includes "plot" or "parcel".
- 5) The word "building" includes the word "structure".
- 6) The words "shall", "will" and "must" are always mandatory and not merely directory.
- 7) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- 8) The word "Map" or "Zoning Map", or "Town of Mineral Springs Zoning Map" shall mean the official Zoning Map of the Town of Mineral Springs.
- 9) Any word denoting gender includes the female and the male.
- 10) The word "may" is directory and not mandatory.
- 11) The word "day" shall mean a normal business day unless otherwise specified.
- 12) The words "town", "village" and the like shall denote the incorporated Town of Mineral Springs.

Section 2.2 Definitions of Specific Terms and Words.

Abandonment.

The intentional or unintentional cessation of use when one or more of the following conditions exists:

- a) The use is discontinued for a consecutive period of 180 days; or

- b) The premises are devoted to another use; or
- c) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days.
- d) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or lease.

Accessory Use or Structure.

A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

Adjacent.

Property abutting directly on the boundary of, touching, or sharing a common point.

Administrator.

The Planning Director or his designee who is responsible for administering the Ordinance.

Adult Establishment.

Any structure, business or use of land which meets the definition of Adult Establishment as outlined in NCGS 14-202.10, and including adult video stores, adult hotel/motels, and adult lingerie modeling stores. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS 14-202.10 and the definitions are adopted by reference. However, certain massage businesses are exempt from this definition where the employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards.

Adult Motel or Hotel.

A hotel, motel or similar commercial establishment that:

- 1) offers accommodations to the public for any form of consideration and, as one of its principal business purposes, provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that depict or describe “specified sexual activities” or “specified anatomical areas”; or
- 2) offers a sleeping room for rent for a period of time that is less than 10 hours or
- 3) allows a tenant or occupant of a sleeping room to subrent the room for a period

of time that is less than 10 hours.

Adult Video Store.

A commercial establishment that has as a substantial portion (over 25% of total retail space) of its-stock-in-trade and offers for sale or rent, for any form of consideration, any one or more of the following: photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas".

Agency.

A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

Agribusiness.

A commercial operation that (I) involves the processing or distribution of farm products or the sale or repairs of farm machinery, equipment, or supplies, and (II) is not otherwise specifically listed in the Table of Uses. Without limiting the generality of the foregoing, a temporary collection facility for the disposal of dead fowl shall be considered an agribusiness use.

Agricultural Uses.

The commercial production of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program; and land used as pasture or in the commercial production of fish hatcheries or aquaculture.

Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which shall not be deemed as "agricultural uses" include (I) zoos, (II) kennels, (III) riding stables and academies, (IV) non-domesticated animals, and (V) animals commonly perceived to be a threat to humans.

Agricultural Uses, Home.

The production principally for use or consumption of the property owner, of plants, animals or their products and for sale to others where such sales are incidental, including, but not limited to gardening, fruit production, and poultry and livestock

products for household use only.

Airport.

An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, ultra lights, other mechanical aircraft, or other flying apparatus whether or not so designated by the Federal Aviation Authority (FAA), excluding hot air balloons.

Alteration.

A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Animal Grooming Facility.

An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

Animal Hospital (Indoor).

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Hospital (with Outdoor Runs).

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Outdoor runs are permitted.

Animal Kennel.

A commercial enterprise where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, or sold. **Occasional** breeding and offering the resultant litter(s) for sale shall not constitute the operation of a kennel.

Animal Pen.

A fenced area of land made of constructed material such as chain link, wrought iron, or chicken wire, which may or may not include an enclosed or otherwise sheltered area used to keep farm or domesticated animals. The enclosure shall not be any larger than thirty (30) square feet of gross floor area. Refer to Section 4.19 – Barns for enclosures more than thirty (30) square feet in gross floor area.

Animal Shelter.

A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store.

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

Antenna.

A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

Arborist.

An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native ornamental trees.

Arborist, Certified.

A person who is licensed (Combination of either a professional certification or ISA Certified Arborist) to perform arboricultural work in the Town of Mineral Springs and its ETJ.

Arborist, Consulting.

A consulting arborist is a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice for a fee about trees and other woody plants, their care, safety, preservation and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate his proficiency and credibility through evidence of the following:

- 1) Documentation of substantial experience in arboricultural practice;
- 2) Documentation of degree acquisition and/or other forms of certified training.
- 3) Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem-solving situations
- 4) Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists.

Automobile Body Shop.

Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

Automobile Detailing Shop.

An establishment primarily engaged in the hand cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such facilities are distinguished from "Auto Washes" in that there is typically no automated equipment involved with the cleaning and waxing of vehicles.

Automobile Parts Supply Store.

An establishment, which sells new and/or rebuilt automobile parts and accessories but does not include junkyards, used auto parts sales, or the installation of such parts.

Automobile Repair Shop.

Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

Automobile Service Station.

Any building, structure, or land used for the dispensing, selling, or offering for retail sale of any automotive fuels, oils, or accessories. Service stations may perform general automotive servicing and minor repair work, which does not involve major motor repair, drive train work, or other major mechanical repair and bodywork. Convenience stores and/or fast food restaurants may be co-located with automobile service stations, where specifically permitted.

Automobile Towing and Wrecking Service.

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard or/as an automobile salvage yard, as otherwise defined hereinafter.

Automobile Wash, Class I (Self-service Car Wash).

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines (i.e. the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

Automobile Wash, Class 2 (Automatic Car Wash).

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on accessory basis.

Awning.

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Bakery (Retail).

The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

Bank.

A financial business, chartered by the state or federal government, which provides financial services including, but not limited to, deposit and withdrawal of money, loan approvals and payments, and cashing and issuing checks.

Bank Teller Machine.

A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial institution. Use of machines is generally not limited to specific hours of operation. Unit may be associated with a financial institution or freestanding either outdoors or within a building.

Banner.

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Barn.

A large building used exclusively for the storage of grain, hay and other farm products, and/or the sheltering of livestock, horses or farm equipment.

Facilities for a caretaker quarters for the purpose of maintaining the barn/animals may be included within this definition if approved by the Conditional Use process as described in Article 6 of this Ordinance.

Bed and Breakfast Inn.

A use that (I) takes place within a building that prior to such establishment, was designed and used as a single-family residence, (II) that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, (III) where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and (IV) where the bed and breakfast operation is conducted

primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.

Book Store.

A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of "adult use", as herein defined, shall not be considered a book store.

Buffer.

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Build-to Line.

An alignment established a certain distance from the curb line to a line along which the building shall be built.

Building.

A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory.

A structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

Building Front.

The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, the street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original subdivider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit, and the setbacks shall be set accordingly.

Building Height.

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building and Home Materials Center (i.e. hardware stores).

A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.). Such an establishment shall be a gross leasable area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with the requirements of Article 15.

Building, Principal.

A building in which is conducted the principal use on the lot on which said building is situated. In any Residential (R) Zoning District any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

Building Setback Line.

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Built-upon Area.

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts) etc. Wooden slatted decks and the water area of a swimming pool shall be considered pervious.

Bulletin Board.

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Bus Terminal, Passenger.

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

Business Identification Sign.

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or

assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Business Park.

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

Business Services.

Establishments primarily engaged in rendering services (which are not listed or defined elsewhere in this Ordinance) to business establishments on a contract or fee basis. These services include, but are not limited to: advertising, claims adjusters and computer software development.

Caliper.

A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and twelve inches above the ground for larger sizes.

Camping and Recreational Vehicle Park.

Land containing two (2) or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes. Manufactured homes shall not be permitted in any camping and recreational vehicle park.

Canopy.

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy shall not be a completely enclosed structure.

Car Sales.

The use of any building or portion thereof, or any premises or portion thereof, for the display, sale, rental, or lease of new or used motor vehicles, trailers, or boats as ancillary use of a lot or tract, except for the incidental sale of not more than two vehicles per year, provided those vehicles are owned by a resident of the premises and were not purchased with the specific intent to resell them, or the use of said premises for the preparation of such vehicles for sale if such preparation is part of either a full- or part-time income-producing venture.

Caretaker Quarters.

A dwelling unit which houses an individual or family who is employed by the primary user of the property to oversee and protect the daily operations of the property and structure(s). Such dwelling unit shall not be used for any purpose other than as a caretaker unit. The total square footage of the dwelling unit shall not exceed 1,200 square feet.

Cemetery.

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setbacks for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to also include bona fide pet cemeteries.

Center Line.

The center line of a street right of way, as defined or surveyed by the North Carolina Department of Transportation.

Certificate of Compliance.

A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Certificate of Occupancy.

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Charitable Organizations.

Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

Child Care Institution.

An institutional facility housing more than six orphaned, abandoned, dependent, abused or neglected children.

Church (or Other House of Worship).

A building or structure, or group of buildings or structures, which by design and

construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers which have enrollment capacities in excess of twenty-five (25) enrollees and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Club or Lodge.

A building or site used by a non-profit membership organization for recreational or social purposes.

Columbarium.

A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Common Open Space.

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved.

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Community Center.

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Conditional Use Permit (CUP).

A special authorization for a specific use - other than a permitted use within the zoning district - which is subject to any special restrictions or conditions on its location, size, extent, character of use as determined by the Town Council in order to insure consistency with the intent and character of the zoning district in which the use is located. (See Article 6)

Conservation Easement.

A right conveyed by deed or other appropriate recorded instrument, which gives the grantee a nonpossessory interest in the real property of the grantor, and which permanently and perpetually restricts the use of the real property to the uses set forth in 4.22 of this Ordinance.

Conservation Land.

That portion of a tract that is set aside for permanent and perpetual protection as required by Section 4.22 of this Ordinance.

Conservation Organization.

A nonprofit corporation or trust, or any private corporation or business entity authorized to do business in North Carolina, intended to exist indefinitely, and whose ongoing purpose includes the following:

- a) the permanent and perpetual preservation of land areas for outdoor recreation by, or for the education of, the general public,
- b) the permanent and perpetual protection of the natural habitat of fish, wildlife, or plants, or similar ecosystem, or
- c) the permanent and perpetual preservation of open space (including farmland and forest land) where such preservation is (1) for the scenic enjoyment of the general public, or (2) pursuant to a clearly delineated Federal, State or local governmental conservation policy, and that will yield a significant public benefit.

Construction Trailer.

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous.

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Continuing Care Facility.

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

Contractors.

General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures

including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Convalescent Center or Nursing Home.

A facility that provides nursing services and custodial care on a 24 hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Convenience Store.

A one story, retail store containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Convenience stores may be co-located with automobile service stations, where specifically permitted.

Country Club.

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a freestanding entity or as part of a residential community or planned residential development.

Craft Studio.

An establishment where works of art are individually crated on-premises by no more than five (5) artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushes.

Critical Root Zone (CRZ).

A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of tree diameter-a-breast-height, with a minimum of eight feet.

Cul-De-Sac.

The turn around at the end of a dead-end street.

Customary Home Occupation.

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

Day Care Center.

A place where daytime care is provided to six (6) or more children, handicapped persons or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Day Care Center associated with Place of Worship or School.

A day care center run by a church or school where day time care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

Deciduous.

Those plants that annually lose their leaves.

Developer.

A person who is responsible for any undertaking that requires a zoning permit, a special use permit or a conditional use permit.

Development.

As used in this Ordinance, development means the construction of any new building, or other structures, or impervious surface on a lot; the relocation of any existing building on a lot; or the use of a lot or tract of land for any new uses.

Development Plan.

A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this Ordinance. The development plan provides guidance for site plans.

Diameter-at-Breast-Height (DBH).

Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

Direct Light.

Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Dirt Farming.

A type of mining in which topsoil or subsoil is removed from the property by scraping, digging, bulldozing, or similar techniques and sold, bartered, traded, or exchanged. This definition does not apply to approved excavation or other site work conducted pursuant to a valid building permit and in compliance with applicable North Carolina Department of Environment and Natural Resources regulations.

Doctor's Office.

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

Dripline.

An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive Thru or Drive Up Window Establishment .

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Drugstore.

See "Pharmacy".

Dry Cleaning and Laundry Plant.

A commercial facility at which clothes are brought to be dry-cleaned and/or laundered from individual dry cleaning services. Such a facility may be freestanding or combined with a dry cleaning service facility.

Dry Cleaning Services Outlet.

An establishment engaged in providing laundry, dry cleaning, and other related services

on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

Dwelling, Duplex.

A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Multi-Family.

A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Dwelling, Patio Home.

A one-family dwelling unit on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar units on adjacent lots and still meet this definition.

Dwelling, Primary with Accessory Apartment.

A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

Dwelling, Single-Family.

A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance. Modular housing as defined hereinafter is included in this definition.

Dwelling, Two-Family.

A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Dwelling Unit.

An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Elementary and Secondary Schools.

A privately-owned or publicly owned preschool, elementary school, middle school, junior high school or high school.

Essential Services.

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following classes:

a) **Class I.**

Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines.

b) **Class II.**

Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, wireless communications, electricity, stream, water, water storage, sewer, or other similar utilities. This classification is not intended to govern apparatus and functions set out in Essential Services Class IV more particularly defined below.

c) **Class III.**

Generation, production, or treatment facilities such as power plants, sewage treatment plants, or similar utilities.

d) **Class IV.**

Subterranean neighborhood or cabinet style switching facilities designed to handle telephone transmissions within the immediate vicinity of the Town of Mineral Springs.

Evergreen.

Those plants that retain foliage throughout the year.

Facilities, Common.

Those facilities within a conservation subdivision that are located on conservation land and are meant for the enjoyment and use of residents of that subdivision. Examples of “common facilities” include ball fields, benches, playgrounds, trails, paths, etc.

Family.

An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six (6) persons who need not be related by blood, marriage, or adoption

living together as a single housekeeping unit.

Family Care Home.

A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six (6) resident persons, who because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort, as defined by NCGS, 168-21(2). All family care home facilities shall be regulated by the State of North Carolina.

Farm.

See "Agricultural Uses".

Farm House Cluster Developments.

A farmhouse cluster permits the subdivision of land for up to six houses accessed by way of a shared private drive.

Farmland.

Those areas that are used for the production and activities related or incidental to the production of crops, fruit, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Farm Supply Store.

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Market.

An outdoor market open to no greater than twenty-five (25) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans, sport utility vehicles and trucks of no greater than three-quarter (3/4) ton in weight capacity.

Fence.

A device made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

Financial Institution.

Any building in which the principal use is a business which provides financial service involving the management of money, funds, securities, and other financial assets.

Financial institutions include banks; savings and loan associations; agricultural, business, and personal credit services and credit unions; security and commodity brokerages, exchanges; and services; and other investment firms, lending companies, and credit services; any of which shall be licensed, insured or chartered by the United States of America or the State of North Carolina.

Fixture.

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flag.

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flea Market.

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

Flex Space Facility.

Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

Flood, Flooding, Floodplain, Floodway, etc.

See specific definitions contained in Article 14.

Flood or Spotlight.

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Florist, Retail.

A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Store or Grocery Store.

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off

premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison-shopping.

Forestland.

A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater and includes areas that have at least 100 trees per acre with at least 50 percent of those trees having at least a two inch or greater diameter at 4.5 feet above the ground.

Fully-shielded Lights.

Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Funeral Chapel/Home.

A building used for the display of the deceased and ceremonies connected therewith before burial. The preparation or embalming of bodies; or the cremation of bodies may take place at a funeral chapel/home. Also a facility where funeral services may be held, funeral vehicles stored, and caskets and other funeral supplies may be sold.

Game Room/Video Arcade.

An indoor commercial facility providing recreational and entertainment activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeetball machines. A facility shall be deemed a video arcade if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a "Billiard Parlor". The facility could include food and beverage services, but incidental to the games.

Garage Sale.

See "Yard Sale"

Garden Supply and Seed Store.

A retail establishment at which animal feed, crop seeds and related products are sold. The milling, grinding and storage of feed or flour at such establishments shall be prohibited. The sale of agricultural chemicals shall be limited to pre-packaged items for general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

Glare.

Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Golf Course.

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Grade of Street.

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Grading.

Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling & shaping or any combination thereof and shall include the land in its cut or filled condition.

Grading, Speculative.

Grading in anticipation of development prior to obtaining required permits.

Greenhouse.

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

Greenhouse, Commercial.

An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

Gross Floor Area.

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the centerline of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Cover.

A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Half Way House.

A home for not more than five persons who have demonstrated a tendency toward antisocial or criminal conduct, or who have been released from incarceration or from a juvenile detention facility, or some other type of similar facility, together with not more than two persons providing supervision and other service to such persons, all of whom live together as a single housekeeping unit.

Handicapped, Aged, Infirm Institution/Group Home

An institutional facility or a residential building, housing and providing care or assistance for more than six persons with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment. Congregate meals may be provided at such facilities. All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

Handicapped Person.

A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G. S. 122C-3 (11) b.

Hazardous Substance.

Any substance which may pose a danger to the public health or safety if contained in the public water supply. All substances included in the United States Environmental Protection Agency's listing of Hazardous Substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977) shall be deemed hazardous substances. Other substances may be included, as the Zoning Administrator, in his informed judgment, deems necessary.

Height of Luminaire.

The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest directly light-emitting part of the luminaire.

Historic Site.

One or more parcels, structures, or buildings that is either: included on the State Register of Historic Properties or designated on the National Register of Historic Places, or authenticated as historic in a survey and report by a registered architect or

architectural historian and which has been submitted to and approved by the Town of Mineral Springs.

Home Centers (Home Improvement Store).

An establishment which may sell various household goods, tools, and building materials, durable household goods (e.g. refrigerators, lawn care equipment, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g. nursery items, lumber goods) may be kept outdoors where the screening requirements of Article 15 are fully satisfied. At least seventy-five (75) percent of all indoor floor good space shall be for retail sales.

Home Decorating Center.

A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

Home School.

A home school in which one (1) or more children of not more than two (2) families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Customary Home Occupation.

Horse Stable.

An establishment where more than two horses are housed, bred, boarded, trained, or sold for financial remuneration.

Hospital.

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel.

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Household.

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impervious Surface.

Any material which reduces and prevents absorption of storm water into previously undeveloped land.

Independent Living Center.

An establishment which provides living facilities to seven (7) or more persons with physical or mental disabilities (irrespective of age). Congregate meals may be provided at such facilities. However, residents are expected to provide other basic living services.

Indirect Light.

Direct light that has been reflected or has scattered off of other surfaces.

Industrial Development.

Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Intermediate Care Home.

A facility maintained for the purpose of providing accommodations for not more than six occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution.

An institutional facility maintained for the purpose of providing accommodations for more than six persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Interior Decorator.

A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

Junk Yard and/or Automobile Salvage Yard.

The use of more than six hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or

machinery or parts thereof.

Kennel, Animal.

See "Animal Kennel".

Kiosk.

A freestanding structure upon which information and/or posters, notices and announcements are posted.

Lake.

Any inland body of water that in its natural state has a surface area of two (2) acres or greater, and any body of water artificially formed or increased that has a surface area of two (2) acres or more.

Lamp.

The component of a luminaire that produces the actual light.

Landscaping.

The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

Large Maturing Tree.

A tree whose height is greater than thirty-five (35) feet at maturity and has a minimum caliper of two and one-half (2-1/2) inches at the time of planting and meets the specifications of "American Standards for Nursery Stock" published by the American Association of Nurseryman.

Laundromat.

A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Library.

A municipal facility in which literary, musical, artistic, or referenced materials (as books, manuscripts, recordings, or films) are kept primarily for on site use or off site loan.

Light Trespass.

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Loading Space, Off-Street.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot.

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. Also, a parcel or tract of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

- a) **Lot Area (Size).** The horizontal area within the legal lot lines of a lot, exclusive of the portions of the lot which lie within the street right-of-ways and any buffer required by Section 405.4 of the Subdivision Ordinance.
- b) **Lot, Corner.** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one-hundred and thirty-five (135) degrees with each other. See subsections 10.3.1 (a) and 10.3.1 (b).
- c) **Lot Depth.** The average horizontal distance between the front and rear lot lines.
- d) **Lot, Interior.** A lot other than a corner lot.
- e) **Lot Line.** A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street, or any other public space.
- f) **Lot Line Front.** The lot line separating a lot from a street right-of-way.
- g) **Lot Line, Interior.** A lot line which does not have road frontage.
- h) **Lot Line (Property Line).** The lines bounding a lot.
- i) **Lot Line Rear.** The lot line opposite and most distant from a front lot line.
- j) **Lot of Record.** A lot which is a part of a subdivision, a plat of which has been recorded at the Register of Deeds of Union County, or a lot described by metes and bounds, the description of which has been so recorded.
- k) **Lot Line, Side.** Any lot line abutting another lot which is neither the front nor the rear lot line.
- l) **Lot, Through.** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
- m) **Lot, Width.** The distance between side lot lines measured at the building setback line.

Lot, Easement.

A lot having an area of a minimum of 5 acres created per Section 405.1 of the Subdivision Ordinance and that is connected to a public road for access via a recorded easement. An easement lot may be a minimum of 80,000 square feet when created within a conservation easement of at least 25 acres that is dedicated to a conservation organization. The principal uses shall be limited to those uses (i.e. uses by right) that are permitted uses in the underlying zoning district.

Lounge.

An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use.

Any lounge which provides facilities or services which satisfy any portion of the definition of “adult establishment” per G.S. 14.202.10 shall be considered an “adult establishment”.

Lumen.

A unit of luminous flux. One foot-candle is one lumen per square foot. For the purpose of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire.

This is a complete lighting system, and includes a lamp or lamps and a fixture.

Machine Shop.

A workshop in which work is machined to size and assembled.

Maintenance Agreement.

A binding agreement between a party and the Town, which provides that the party will be responsible for the implementation of all maintenance and operational obligations set forth in the Maintenance Plan.

Maintenance Plan.

A plan that meets the requirements of Section 4.22.4 of this Ordinance and which provides for the continued operation and maintenance of conservation lands required under Section 4.22.4 of this Ordinance.

Major Renovation.

Any construction, reconstruction, structural alteration, expansion, enlargement, or remodeling conducted within any two (2) year period, the total cost of which exceeds 51% of the assessed value of the existing building(s) on the property.

Major Street Corridor.

Any road designated as a “major” or “minor” thoroughfare on the most recently adopted version of the Town of Mineral Springs Transportation or Thoroughfare Plan.

Major Thoroughfare.

A thoroughfare so designated by the Union County Thoroughfare Plan and adopted by the Town of Mineral Springs, as amended from time to time. Additionally, any other routes as designated by the Town of Mineral Springs.

Manufactured Goods, Class 1.

Manufacturing or assembly of goods or products subject to the following limitations: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if any activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".

All manufacturing industries **not** listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

Manufactured Goods, Class 2.

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if any activity is conducted at all within the use and that activity is listed as being a Class 2 use, then the entire establishment will be considered to be Class 2.

The following uses are considered Class 2 manufactured goods uses, and shall not be

permitted in the Town of Mineral Springs. Any Class 2 manufactured goods uses legally existing prior to the adoption of this Ordinance shall be allowed to continue under the provisions of Article 7: "Nonconforming Uses"

- a) Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b) Pickled fruits and vegetables (SIC #2035)
- c) Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
- d) Animal feeds and pet foods (SIC #2047, 2048)
- e) Fats and oils (SIC Group #207)
- f) Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
- g) Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)
- h) The following manufacturing listed under SIC #2099:
 - 1) Yeast
 - 2) Molasses and sweetening syrups
 - 3) Vinegar
- i) Tobacco products (SIC Major Group #21)
- j) Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
- k) Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
- l) Sawmills and planing mills, general (SIC #2421)
- m) Wood building and manufactured homes (SIC Group #245)
- n) Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
- o) Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulose and other manmade fibers, except glass (SIC Group #281; SIC Group

#282)

- p) Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- q) Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- r) Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
- s) Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
- t) Petroleum refining (SIC Group #291)
- u) Asphalt paving and roofing materials (SIC Group #295)
- v) Lubricating oils and greases (SIC #2992)
- w) Products of petroleum and coal classified under SIC #2999
- x) Tires and inner tubes (SIC Group #301)
- y) Plastic products found under SIC Group #308 when resins are made at the same facility
- z) Leather tanning and finishing (SIC Group #311)
- aa) Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
- bb) Cement, hydraulic (SIC Group #324)
- cc) Structural clay products (SIC Group #325)
- dd) Pottery and related products (SIC Group #326), except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
- ee) Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- ff) Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
- gg) Minerals and earths, ground or otherwise treated (SIC #3295)
- hh) Non-clay refractories (SIC #3297)

- ii) Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- jj) Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)
- kk) Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #
- ll) Manufacture of other primary metal products listed under SIC #3399
- mm) Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- nn) Power, distribution and specialty transformers (SIC #3612)
- oo) Electrical industrial carbon and graphic products (SIC #3624)
- pp) Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- qq) Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes (SIC #3711, 3713; SIC #3715; SIC #3716), except the manufacture of components for, and the assembly of sanctioned racing vehicles (i.e. stock cars)
- rr) Railroad equipment (SIC #3743)
- ss) Motorcycles (SIC #3751) except bicycles and bicycle parts
- tt) Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu) Under SIC #3792 - camping trailers
- vv) (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components
- ww) Under SIC #3861 - all photographic supplies but not photographic equipment
- xx) Under SIC #3952 all inks, paints, oils, enamels, and crayons
- yy) Carbon paper and inked ribbons (SIC #3955)
- zz) Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)

aaa) Mining (all of SIC Division B)

bbb) Incinerator Operations (SIC #4953)

Manufactured Home.

A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a home site on its own chassis and exceeds forty (40) feet in length and eight (8) feet in width. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code.

The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within the text of this Ordinance, when the term single family dwelling is used it shall not include a manufactured home. A structure that would otherwise be characterized as a manufactured home except that it is not used or held ready for use as a dwelling unit (e.g. is used as an office or some other business use) shall not be regarded as a manufactured home.

Manufactured Home, Class A.

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- a) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- b) The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- c) The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- d) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- e) The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
- h) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall

which is in accordance with NC Building Code and Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.

- g) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- h) The moving hitch, wheels and axles, and transporting lights have been removed.
- i) It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling. All criteria shall be satisfied before occupancy.

Manufactured Home, Class B.

A manufactured home that meets all of the criteria of a Class A manufactured home, except the limiting width criteria.

Manufactured Home, Class C.

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house either as a class A or class B manufactured home.

Medical Center.

A facility housing the offices of three (3) or more doctors where outpatient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be permitted.

Memorial Sign or Plaque.

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Military Reserve Center.

A facility designed to house and accommodate military reserve personnel and equipment.

Minor Thoroughfare.

A thoroughfare so designated by the Union County Thoroughfare Plan and adopted by

the Town of Mineral Springs, as amended from time to time. Additionally, any other routes as designated by the Town of Mineral Springs.

Mixed Use Development

A development on a tract of land containing more than one type of use, where the different types of uses (i.e., residential, commercial, and/or institutional) are in close proximity, planned as a unified complementary whole, and functionally integrated with each other. Any use that is allowed within the MUD district may be allowed within an approved Mixed Use Development, unless otherwise prohibited or restricted by the Town in association with the approval of a particular CD MUD district for such a development.

Modular Home.

A factory fabricated, transportable building or dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular unit shall not be considered a manufactured home for the purposes of this Ordinance.

Motel.

An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motion Picture Production.

A building or group of buildings in which movies or television shows are produced.

Net Floor Area.

Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

Net Tract Area or Net Acreage.

The residual acreage of a project after the amount of rights-of-way, open space, and public property has been deducted from the "Gross Tract Area".

Night Club.

An establishment that stays open after 10:00 pm on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons

aged 21 or older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this Ordinance, and in NCGS 18B-1000(6), clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities.

Nonconforming Lot.

Any lot of record which does not meet the minimum yard or area requirements established in these regulations on the Effective Date of this Ordinance.

Non-Conforming Project.

Any structure, development, or undertaking that is incomplete on the Effective Date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign.

A sign that, on the Effective Date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure.

Any structure lawfully existing on the Effective Date of this Ordinance, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Non-Conforming Use.

Any use of a building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the Effective Date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

Nursery.

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Nursing Home.

See "Rest Home"

Off Premises Sign.

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a

location other than the premises where the sign is located.

Open Air Storage.

An unroofed area for the storage of bulk materials or discarded items whether fenced or not, but not including items and non-bulk materials openly displayed for the purpose of retail sale.

Open Space.

A land area or water feature that (1) conserves, enhances, or creates natural or scenic resources and wildlife habitat; or (2) enhances or creates outdoor recreational opportunities. Open space may be dedicated for public use or held under private ownership. Open space may be active e.g. soccer, baseball, or football fields, playgrounds, etc. or passive e.g. bicycle, walking, and jogging trails, etc. recreation. All "Conservation Land" as defined in Section 4.22.4 in the Mineral Springs Zoning Ordinance is open space. However, all open space is not necessarily "Conservation Land." As defined, open space may be land left in its natural state or grass and planted medians with trees in a residential, commercial or non-residential development.

Open Storage.

A unroofed storage area, whether fenced or not.

Outdoor Lighting.

The night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Outdoor Lighting, Temporary.

The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 passing before being used again.

Outparcel.

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Owners.

See "Property Owners".

Parapet.

That portion of a building wall or false front that extends above the roof line.

Parking Bay.

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking, Off-Street.

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in this Ordinance.

Parking Lot Plantings.

Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Parking Space.

A storage space of not less than nine (9) feet and twenty (20) feet for one (1) automobile and having access to a road, but not located within a road right-of-way.

Passive Recreation.

Recreational activities that generally do not require a developed site or facilities. This generally includes such activities as hiking, horseback riding, and picnicking.

Permit, Building.

Written permission issued for the construction, repair, alteration or addition to a structure.

Personal Service Establishments.

An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops.

Pharmacy.

A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen-thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such stores shall not be deemed to be pharmacies.

Philanthropic and Eleemosynary Institutions.

Groups dispensing funds for humanitarian purposes or services, such as United Way.

Place of Worship.

A building primarily used by a non-profit organization for organized religious services and supporting uses.

Planting Area.

The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

Planting Strip.

A section of land intended to contain plant materials and for the purpose of creating a visual separation between uses or activities.

Plat.

A map or drawing depicting the division of land into blocks, parcels, tracts, sites, or other divisions.

Pond.

Any inland body of water that in its natural state has a surface area of at least one-thousand (1,000) square feet but less than two (2) acres, and any body of water artificially formed or increased that has a surface area of one-thousand (1,000) square feet but less than two (2) acres.

Post Office.

A local branch of the U.S. Postal Service handling the mail for the local area.

Pre-Existing Luminaries.

Luminaires not conforming to this code that were in place at the time this code was voted in effect.

Pre-School Facility.

An educational facility for pre-school children aged two to six years whose major purpose is to provide educationally-oriented classes and activities, as opposed to child care. Such classes shall be limited in time to five (5) hours or less per day.

Preserve, Habitat.

A wooded area of local or State significance that is maintained in a natural state for the preservation of animal and/or plant life.

Primary Conservation Land.

That portion of a tract that consists of floodplains, wetlands, lakes, ponds, viewsheds and hydric soils.

Principal Use.

The primary or predominant use on any lot.

Premises.

A parcel of real property with a separate and distinct number or designation shown on a of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Private Road.

See "Road, Private".

Produce Stand.

The sales of any form of agricultural or horticultural products at an individual retail stand. The produce may be grown on or off the parcel of land upon which the stand is established. Produce Stands are limited to one such stand per parcel.

Property Owners.

Those individuals, corporations, associations, etc. listed as owner(s) of land within the Town on the records of the Union County Assessor's Office.

Pruning.

The act of removing, or cutting back parts of a tree or shrub.

Public Parks.

Recreational facilities owned by the public, or non-profit organizations. Recreational facilities may include athletic fields, riding or jogging paths, concession stands serving the recreational area, or tennis courts.

Recreation Center, Indoor.

Public or private health or exercise clubs, tennis or racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack

bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreational Facility, Outdoor.

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms, "racetrack", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club" or "golf course".

Recreational Uses, Accessory.

A recreational facility (e.g. swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

Recreational Vehicle.

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreational vehicle shall not be considered as being a single-family dwelling, except as a temporary use permitted by Article 4, Section 4.7.1 or 4.7.5.

Recycling Station.

A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

Rental Center.

A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. this shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Rental Center, Class 1.

A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. this shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Residential Development.

Buildings on individual plats within a planned subdivision for use as detached single-family dwellings, including associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Rest Home (Home for the Aged).

A licensed facility that provides basic living needs to seven (7) or more elderly or disabled in-house residents who need assistance in meeting their day-to-day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided. May also be referred to as “nursing homes” or “continuing care facilities”.

Restaurant.

A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, Fast Food.

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed within the restaurant building.

Restaurant, Drive-Through.

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from an individual outdoor calling station. These are not permitted in Mineral Springs.

Riding Academy.

An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and the general public may, for a fee, hire horses for riding.

Road, Frontage.

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Road, Private.

Any right-of-way having a width of forty (40) feet or greater used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.

Road, Public.

A public right-of-way not less than thirty (30) feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the Effective Date of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Union County Register of Deeds Office.

Road Right-of-Way.

An area of land occupied or intended to be occupied by a road, including areas offered for dedication for such purposes, areas claimed by the State for such purposes, or actually used for such purposes.

Rock Formation.

A portion of bedrock or other stratum protruding through the soil level.

Roof Line.

The highest point of a flat roof or mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Root Protection Zone.

Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

Rural Home Occupation.

A rural home occupation is a non-residential use conducted in an accessory structure by the owners of the lot upon which it is located. The principal building shall be the residence of the owners of the lot.

Satellite Dish.

A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

Secondary Conservation Land.

That portion of a tract that consists of forestland, farmland, historic sites, steep slopes, rock formations, and land adjacent to parks.

Schools.

See "Elementary and Secondary Schools."

Schools, Vocational.

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Schools for Arts, etc.

A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not necessarily of primary importance.

Screening.

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site. (See Article 15.)

Second-Hand Shop.

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

Septic Tank Disposal Operating Service.

A base of operations for a septic tank cleaning service, but shall not include the disposal of septic tank waste.

Service Stations.

See "Automobile Service Stations".

Setback.

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

a) **Setback, Front**

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

b) **Setback, Rear**

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

c) **Setback, Side**

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

d) **Setback, Sign**

The shortest horizontal distances from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

Shopping Center.

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub.

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet within a three year period after planting. If shrubs are to be planted as part of a required Screen, such shrubs will be limited to the following varieties:

- | | |
|---------------------------|--|
| a) Nelly R. Stevens Holly | f) Tea Olives |
| b) Burford Holly | g) Eleagnus |
| c) Wax Myrtle | h) Ligustrums |
| d) East Palatka Holly | i) Japanese Black Pines |
| e) Savannah Holly | j) Junipers |
| | k) Any other variety of shrub, listed in Article 17, which has the capacity to provide an equivalent amount of growth and opacity. |

Shrub, Large.

An upright, multi-stemmed plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Medium.

A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Small.

A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Sight Distance Triangle.

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection.

Sight Triangle.

In Mineral Springs, the triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being thirty-five (35) feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being ten (10) feet and seventy (70) feet from the point of intersection.

Sign.

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

a) **Sign, Advertising**

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either commercial or noncommercial copy.

b) **Sign Area**

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

c) **Sign, Campaign or Election**

A sign that advertises a candidate or issue to be voted upon on a definite election day.

d) **Sign, Canopy and Awning**

A sign attached to or painted or printed onto a canopy or awning. For the purposes of this Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

e) **Sign, Construction**

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

f) **Sign, Directional**

A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

g) **Sign, Directory**

A sign on which the names and locations of occupants or the use of a building or property is identified.

h) **Sign, Flashing**

A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

i) **Sign, Free-Standing**

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

j) **Sign, Ground**

Any sign which extends from the ground or which has supports which places the

bottom thereof less than three and one-half feet from the ground directly beneath the sign.

k) **Sign, Identification**

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

l) **Sign, Illuminated**

A sign either internally or externally illuminated.

m) **Sign, Incidental**

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes. These signs shall not exceed one (1) square foot in size and shall be attached to a freestanding sign or affixed to a wall.

n) **Sign, Instructional**

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

o) **Sign, Lighted**

A sign illuminated only by light cast upon the sign from an external light source.

p) **Sign, Luminous**

A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

q) **Sign, Monument**

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

r) **Sign, Off-Premises**

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

s) **Sign, On-Premises**

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

t) **Sign, Permit**

A permit issued by the Zoning Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

u) **Sign, Pole**

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

v) **Sign, Portable**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

w) **Sign, Projecting**

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

x) **Sign, Public Interest**

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

y) **Sign, Real Estate**

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

z) **Sign, Roof**

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

aa) **Sign, Temporary**

Any sign erected and maintained for a specific period of time.

bb) **Sign, Vehicular**

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Silvicultural Operations (less than 10 acres).

Harvesting of timber/woods.

Slope, Steep.

An area having a slope greater than fifteen (15) percent.

Stealth Tower.

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers, as permitted under Article 13 of this Ordinance. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

Storage, Open-Air.

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no wall and screened in accordance with the requirements of Article 15.

Stream.

A body of water flowing in a natural surface channel. Flow may be continuous or may only occur during wet periods.

Street.

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means or access to abutting properties.

Street Property Line.

The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

Street Right-of-Way.

An area of land occupied or intended to be occupied by a public street, for such

purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Street Tree.

A tree planted along the street behind the right-of-way.

Street Vendor.

A person who offers goods or services for sale to the public without having a permanently built structure but rather uses a temporary static or mobile structure or stall.

Street Yard.

A planting area parallel to a public or private right-of-way designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Structure.

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

Structure, Accessory.

A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to an "accessory building"

Structure, Principal.

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

Supermarkets.

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Unlike convenience stores, gasoline sales are not permitted.

Subdivision.

The division of a tract of land into two (2) or more lots, building sites, or other divisions

when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition: (I) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance, (II) the division of land into parcels individually greater than ten (10) acres where no street right-of-way dedication is involved; or (III) the public acquisition by purchase of strips of land for widening or opening streets; or (IV) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.

Subdivision, Conservation.

A residential subdivision that is developed pursuant to Section 4.22 of this Ordinance.

Subdivision, Conventional.

A residential subdivision that is not a conservation subdivision.

Subdivision, Large Lot. A residential subdivision consisting of lots that range in size between three (3) and five (5) acres, where the average lot size is five (5) acres.

Subdivision, Major.

Any subdivision other than a minor subdivision.

Subdivision, Minor.

Any subdivision where no public or private streets are proposed or necessary, and no rights-of-way are dedicated and no easements are dedicated and the parcel of land is not within an existing major subdivision or a part thereof, and where three or fewer lots are created after the subdivision is completed and where no floodplains or wetlands exists, and where no public water or sewer systems are proposed.

Telecommunication Towers and Facilities.

A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as “stealth” locations, may be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham radio operations; radio broadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

Temporary Emergency, Construction, or Repair Residence.

A residence (which may be a Class A, B, or C manufactured home) that is (I) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (II) located on the same lot as residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (III) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

Toxic Substance.

Any substance or combination of substances (including disease causing agents), or assimilation into any organism, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Tract.

The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Tree, Canopy.

A large tree growing to over 40 feet in height at maturity, usually Deciduous, that is planted to provide canopy cover shade.

Tree, Large Maturing.

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

Tree, Small Maturing.

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree.

Tree, Understory.

A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree Topping.

The removal or cutting back of major portions of a tree crown by cutting branches to stubs and/or to the trunk. Topping is also referred to as heading, stubbing, or dehorning.

Truck Stop.

A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops.

Truck Terminal.

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Use.

The specific purpose for which land, a building, or a portion of a building is designed, arranged, intended, occupied, or maintained. The term “permitted use” or its equivalent shall not be deemed to include a nonconforming use.

Use, Principal.

The primary or predominant use of any lot.

Utility Facilities, Neighborhood.

Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, are located in or near the neighborhood where such facilities are proposed to be located.

Variance.

A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this Ordinance, he could not otherwise legally do.

Variety Store.

A retail establishment that offers a wide assortment of inexpensive and frequently purchased merchandise, including health and personal care items, groceries, clothing, boxed or packaged food, housewares.

Vehicle Accommodation Area.

That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (including all spaces and aisles).

Vehicle, Commercial.

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

Vehicle, Inoperable.

A vehicle that for a period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.

Vehicle, Passenger.

An automobile, van, sports utility vehicle or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

Viewshed.

A view through or along a road, or opening, including those along the boundaries of a stream, lake, or pond, which frames, highlights, or accentuates a prominent structure, scene, or panorama.

Vines.

A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

Wall, Building.

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

Warehouse.

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

Water, Public.

Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

Wetland.

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale Sales Operation.

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Administrator may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Wooded Area.

An area of contiguous wooded vegetation where trees are at a density of at least one six (6) inch or greater caliper tree per each 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard.

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front.

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

Yard, Rear.

A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line parallel thereto and passing through the point of the principal building nearest the rear lot line. If a rear yard abuts a buffer area along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the rear lot line shall be considered to be the nearest edge of the buffer area.

Yard, Side.

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building. If a side yard abuts a buffer area along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the side lot line shall be considered to be the nearest edge of the buffer area.

Yard Sale.

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. For purposes of this Ordinance, attic and garage sales, and the like shall be considered yard sales.

Yield Plan.

A plan that shows the number of developable lots in a proposed conservation subdivision if such subdivision were to be built as a “conventional subdivision” in a R-40 Zoning District in the Town of Mineral Springs.

Zoning Permit.

A permit issued by the Zoning Administrator or his designee that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.